

**WIPO LIST OF NEUTRALS**  
**BIOGRAPHICAL DATA**

Alexander DUISBERG  
Bird & Bird LLP  
Munich  
Germany



Nationality: German

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

PhD., Law, University of Bonn, 1995, (Dissertation on European competitive law);  
LLB., University of Bonn, 1984-1989.

**Admissions:**  
German Bar, 1995.

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**LANGUAGES**

German, English, Italian, Spanish, French

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**PRESENT POSITION**

Partner, Bird & Bird, Munich since 2003. Co-Head of the International IT Sector Group.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Baker & McKenzie, IT practice (European offices), 1997-2003.

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**AREAS OF SPECIALIZATION**

IT Law – contentious and non-contentious matters (licensing, professional services, distribution, e-commerce, digital media, open source, etc.) including major projects, data protection law (domestic and international), complex technology transfer and licensing agreements, strategic alliances, and outsourcing arrangements of all kind.

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November 15, 2019

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## MEMBERSHIP IN PROFESSIONAL BODIES

**Member:**

German Society of Law and Informatics (DGRI e.V.);  
 The Indo-German Chamber of Commerce;  
 ITechLaw  
 The German-Italian Chamber of Commerce; and  
 The German-Italian Lawyers Association.

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## EXPERIENCE IN INTELLECTUAL PROPERTY

Over 16 years of ample experience in contentious and non-contentious matters relating to the commercial exploitation and licensing of intellectual property rights, with a particular focus on IT related matters

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## MAJOR PUBLICATIONS

**Publications:**

Book contribution "*Datenschutz und Datensicherheitspannen*", in: "Recht der Computer- und Videospiele", Erich Schmidt, publication date: tba [2013]  
 ["Data Protection and Data Breaches"]

Book contribution "*Datenschutz im Internet der Energie*", in: "Innovativer Datenschutz", Duncker & Humblot, September 2012  
 ["Data Protection in the Energy Internet"]

Interview "*Aus Big Data wird Big Business*", in: Digital Business Cloud, WIN Verlag, 8/2012, pages 16-18  
 ["Big Data becomes Big Business"]

Contribution "*Online-Datenmanager*", in: Münchner Kreis Future Study 2011 Volume IV "Pictures of the Future in a Digital World – an international comparison of user perspectives"  
 ["Online Data Manager"]

"*Cloud Computing*", Contributions to articles in the special supplement to the Financial Times Germany October 11, 2011

"*Juristen sehen Handlungsbedarf bei Sicherheitsstandards*" Interview on the topic of Cloud Computing in: Frankfurter Allgemeine Zeitung October 5, 2011  
 ["Lawyers see a need for actions with regard to security standards"]

Contribution to article "*Experten fordern eingebaute Datensicherheit bei smarten Technologien*" in: VDI Nachrichten May 6, 2011, nr. 18  
 ["Experts demand built-in data security for smart technologies"]

Article "*'Funktionale Sicherheit' i.S. der neuen ISO 26262 – Haftungsrechtliche (Un-) Sicherheit?*" in: Produkt- und Umwelthaftpflicht international (PHi) 6/2010, p. 214ff  
 ["'Functional Safety' within the meaning of the new ISO 26262 – liability (un-) certainty?"]

Study contribution: "*Shaping Ideas to Shape the Future*", published (among others) by Muenchner Kreis 11/2010

"*Wir brauchen dringend modernere Gesetze*", Interview on the topic of Cloud Computing in: FTD executive research 4/2010, p. 24/25  
 ["We urgently require more up-to-date laws"]

Article "*Pro & Contra Clouds – grenzenlos und unbeschränkt?*" in: Geldinstitute, 2/2010  
 ["Pro & Contra Clouds – unlimited and unrestrained?"]

**Speeches:**

*"Haftungsfragen in der Cloud"*

["Liability Issues in the Cloud"]

January 28, 2013, Federal Ministry of Economics and Technology (BMWi) Competence Centre Trusted Cloud, Meeting working group Legal Scope, Cologne

*"Lizenzrechtliche Aspekte des Cloud Computing aus Sicht der Praxis"*

["Licensing Issues in Connection with Cloud Computing from a Practical Perspective"]

November 9, 2012, Annual Trusted Cloud Conference organized by the Federal Ministry for Economic Affairs, Berlin

*"ISO 26262 – Ein zuverlässiger Standard aus Sicht der Produkthaftung?"*

["ISO 26262 – A reliable standard from a product liability perspective?"]

September 12, 2012, 4<sup>th</sup> Euroforum Annual Conference ISO 26262, at Stuttgart

*"Leitfaden zu Service Level Agreements für Rechenzentren"*

["Operators Guide to Data Centre Service Level Agreements"]

June 25, 2012, DatacenterDynamics Conference, Munich

*"Enforcement under New Draft EU Data Protection Regulation – tightening the frame or diverse interpretation"*

June 20, 2012, IFCLA 2012 Conference, Munich

*"ISO 26262 – A reliable standard from a product liability perspective?"*

June 12, 2012, ISO 26262 Conference – International Exchange on Functional Safety in the Automotive Industry, Detroit

*"Wem gehören die Daten und wer hat außerdem Rechte daran?"*

["Who owns the data and who else holds rights to them"]

May 24, 2012, Münchner Kreis Spezialist Conference "Big Data wird neues Wissen", Munich

*"Software Patents"*

April 23, 2012, Bird & Bird Workshop for a Swiss online provider of knowledge management services

*"Social media and data protection"*

March 6, 2012, Bird & Bird Social Media Seminar in Geneva

*"New EU Data Protection Rules" und "Software Patents in Europe"*

February 22, 2012, Bird & Bird Workshop for an Indian software provider

*"Discovery vs. Privacy Laws – a Greater Challenge or a better World in Arbitration?"*

February 18, 2012, Panel Discussion, NAPC Annual Conference 2012, Mumbai, India

*"Overview of Contract Law – A Civil Law Perspective"*

January 13, 2012, MSc in Major Programme Management course, Saïd Business School, University of Oxford

*"Rechtliche Rahmenbedingungen und Anforderungen zum Schutz kritischer Infrastrukturen"*

["Legal Framework and Requirements for the Protection of Critical Infrastructures"]

November 16, 2011, Forum Cyber Defence 2011, Bonn/Bad-Godesberg

*"National and international contractual profiles: types of agreement and main legal issues"*

October 18, 2011, Bird & Bird Seminar "Cloud computing, the law among the clouds", Milan

*"Die ISO 26262 und die Haftung des Functional Manager und anderer Arbeitnehmer"*

["ISO 26262 and the Liability of the Functional Manager and Other Employees"]

September 26, 2011, EuroForum Konferenz "ISO 26262", Stuttgart

*"Datenschutzrecht"*

["Data Protection Law"]

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August 11/12, 2011, Data Protection Workshop Trierischer Volksfreund, Trier

"*Datenschutz und Aufsicht in der Cloud*"

["Data Protection and Supervision in the Cloud"]

June 6, 2011, Finance Forum Germany – Bankers' Update 2011, Wiesbaden

"*Legal Aspects of Cloud Computing*"

May 30, 2011, ACC Europe's Annual Conference 2011, Berlin

"*Legal Issues in Cloud Computing*"

April 15, 2011, European O & O Conference / EESTCom 6, Warsaw

"*Vertragsgestaltung beim Einsatz smarterer Technologien*"

["Contract design in connection with smart technology"]

April 8, 2011, 6<sup>th</sup> International ReH..Mo-Symposium, Passau

"*Rechtliche Anforderungen aus der neuen ISO 26262 betreffend die funktionale Sicherheit im Automobil*"

["Legal requirements arising out of the new ISO 26262 regarding functional safety in cars"]

February 22, 2011, Seminar on ISO 26262, Munich

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### **EXPERIENCE IN COURT LITIGATION**

Representation of software vendors in commercial disputes over licensing agreements

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### **PROFESSIONAL TRAINING IN ARBITRATION**

Member of Bird & Bird's International Dispute Resolution Group and its sub-group with particular focus on arbitration. In that context, have regular briefings and training, including an all day mute ICC arbitration session, 2007 in Paris, with the involvement of one of the appointed ICC arbitrators. Further *ad hoc* trainings on arbitration and mediation in internal trainings at Bird & Bird LLP. Speaker and panelist at the Nani Palkhivala Arbitration Centre (NPAC).

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### **EXPERIENCE IN ARBITRATION**

Various client representations, including arbitration under German Civil Procedural Code rules, German Institution of Arbitration (DIS), Swiss arbitration rules, Swedish Chamber of Commerce rules. Party representation in various arbitration proceedings.

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**ARBITRATION EXPERIENCE**
**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC					
	LCIA					
	Ad Hoc Swiss Rules of International Arbitration					2
	Swedish Chamber of Commerce					1
Number of cases: sub-total						
Domestic Arbitrations	DIS					1
	Ad Hoc					
	German Civil Procedural Code (ZPO)					2
Number of cases: sub-total						
<b>TOTAL</b>						<b>6</b>